



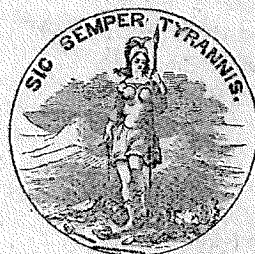
THE
CODE OF VIRGINIA.

SECOND EDITION,

INCLUDING LEGISLATION TO THE YEAR

1860.

PUBLISHED PURSUANT TO LAW.



RICHMOND:
PRINTED BY RITCHIE, DUNNAVANT & CO.
1860.

17. Officer and guard privileged from arrest.
18. How sentence of imprisonment until a fine paid, executed.
19. How persons released who are imprisoned for fines. Fieri facias may be issued.
20.

judgment suspended; writ of error.

or proceeding for contempt, for whom court, may except to an opinion of the judges or justices, or the greater part shall be a part of the record of the court to authorize a bill of exceptions.

circuit court, to death or confinement apply for a writ of error, the said court sentence, until a reasonable time before the court of appeals,† not exceeding other criminal case, wherein judgment any case of judgment for a contempt, not giving such judgment may postpone and on such terms as it deems

criminal case, § to the judgment of a court; and when the case is against a judgment of a county or corporation jurisdiction over such county or corporation for the accused; and if the case is for the revenue, it shall lie also for the

person for a contempt of court, other disobedience to, a judgment, decree, when the judgment is of a county or court having jurisdiction over such a circuit court, from the court of

which a writ of error lies, the same of; and when a writ of error lies awarded in the vacation thereof,

this chapter to any judgment, may the court or judge awarding it so

direct, on such terms and conditions as the said court or judge may prescribe. 1847-8, p. 154, § 5; p. 160, § 7; 8 and 9 Vict. c. 68

7. The court from which a writ of error lies, shall affirm the judgment if there be no error therein, and reverse the same in whole or in part if erroneous, and enter such judgment as the court whose error is sought to be corrected, ought to have entered; or remand the cause and direct a new trial;* affirming in those cases where the voices on both sides are equal. 1 R. C. p. 224, 5, § 25; 1825-6, p. 20, c. 18; 1830-31, p. 106, § 4; 2 Gratt. 558

Execution of sentence.

8. Sentence of death, except for insurrection or rebellion, shall not be executed sooner than thirty days after the sentence is pronounced. 1 R. C. p. 608, § 30; 1847-8, p. 124, § 26

9. The clerk of the court pronouncing such sentence shall, as soon as may be, after the sentence, deliver a certified copy thereof to the officer of said court, who shall cause the sentence to be executed. Under such sentence, death shall be inflicted by hanging the convict by the neck until he is dead. 1 R. C. p. 236, § 40; 1847-8, p. 154, § 7, 8

10. Whenever sentence of death is to be executed, if the convict under such sentence be in jail, around or adjoining which there is a yard of sufficient size enclosed by a wall, such sentence shall be executed within such enclosed yard, unless the court, by which such sentence was pronounced, direct otherwise. At the execution there shall be present, besides the officers of said court, such other officers and such guard and assistants as the officer executing the sentence shall see fit. He shall request the presence of the attorney for the commonwealth in said court, the clerk thereof, and twelve respectable citizens, including a physician or surgeon; and he shall permit the presence of the counsel of the convict, and such ministers of the gospel as he shall desire, and such of the convict's relations as the officer shall deem prudent. 1855-8, p. 36, 37, c. 43, § 1, 2

11. The officer executing a sentence of death shall certify the fact to the clerk of the court, who shall file the certificate with the papers in the case. 1847-8, p. 154, § 9

12. Every person sentenced by a court to confinement in the penitentiary, shall, as soon as may be, be delivered at the penitentiary by the officer of such court. If he fail to make such delivery within a reasonable time, he shall forfeit one hundred dollars. It shall be lawful for the auditor of public accounts to allow officers conveying persons to the jail or penitentiary, the necessary expenses of the prisoner or convict. 1 R. C. p. 621, § 21; 1847-8, p. 154, § 10; 1850-51, p. 9, § 13

13. The clerk of the court in which a person is sentenced to the penitentiary, shall forthwith transmit to the superintendent thereof a full copy of the record of the trial and conviction. If he fail so to do, he shall forfeit one hundred dollars. 1 R. C. p. 620, § 16; 1847-8, p. 154, § 11

14. The officer who is required to carry a prisoner to the penitentiary, or to any other place, may, if he deem it necessary for his safe conveyance, summon one person, but not more than one, as a guard to each prisoner, except as follows: 1 R. C. p. 604, 5, § 17; 1841-2, p. 52, c. 90, § 4; 1847-8, p. 154, § 12

15. When the court, judge or justices, by whose judgment or order a prisoner is to be removed, shall think a stronger guard proper, and order it, as many persons as may be so ordered shall be summoned by the officer. 1 R. C. p. 622, § 25; 1847-8, p. 155, § 13

* See 2 Va. Cas. 122; 4 Leigh 669; 1 Rob. 676, 7; 2 Gratt. 558; 5 Gratt. 663.

1847-8, p. 153, c. 22, § 1; p. 154, § 6; p. 159, § 9 Leigh 636.
"general court," the court of appeals have been exercised by the general court. See p. 48, c. 71. 1839-40, p. 15, § 37. 1847-8, 10 Gratt. 754.
24; 11 Leigh 675.
"general court." See ante, c. 160, § 3; is of the general court, from the court of session, be awarded to a judgment of the general court." See ante, c. 160, § 3.